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REMARKS

Claims 1-20 and 25 are pending in the present application, and claims 1-8, 15-17, 19-20, and 25 have been amended hereby. Claims 6 and 21 have been cancelled, without prejudice or disclaimer, and claims 22-24 have been withdrawn from consideration. It is respectfully submitted that no new matter has been added by the present amendment.

The undersigned would like to thank the Examiner for his time and cooperation during the telephone conversation of July 15, 2005.

In the Office Action mailed January 4, 2005, claims 1-5, 8, 20 and 25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent Document No. 60-56793 (hereinafter "the '793 document"). Applicants respectfully traverse this rejection and submit that amended claims 1-5, 8, 20, and 25 are patentable over the '793 document for at least the reasons set forth below.

Applicants respectfully submit that the '793 document does not teach at least the following:

- "a plurality of structural members with each structural member attached to one of a plurality of respective vertical steel columns of a structure

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under construction, wherein the plurality of vertical steel columns of the structure under construction includes at least 3 vertical steel columns, each structural member has an uppermost surface, and the basket rests on the uppermost surface of at least one of the plurality of structural members," as recited in amended independent claim 1;

- "a lower basket operable to support a tower crane, and a plurality of lower structural members with each lower structural members mounted to one of a plurality of respective vertical steel columns of a structure under construction, the lower structural members supporting the lower basket to distribute the weight of the tower crane on the plurality of vertical columns of the structure, an upper basket slidably coupled to the tower crane, and a plurality of upper structural members with each upper structural member mounted to one of a plurality of respective vertical columns of the structure, the upper structural members supporting the upper basket, wherein the plurality of vertical steel columns of the structure under construction includes at least 3

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vertical steel columns, each of the plurality of lower structural members and each of the plurality of upper structural members has an uppermost surface; the lower basket rests on the uppermost surface of at least one of the plurality of lower structural members, and the upper basket rests on the uppermost surface of at least one of the plurality of upper structural members," as recited in amended independent claim 20; and

- "a basket supporting a tower crane, and a plurality of structural members with each structural member attached to one of a plurality of respective vertical columns of a structure under construction, each of the plurality of structural members including a first structural member and a second structural member positioned at a substantially right angle to the first structural member, wherein the plurality of vertical columns of a structure under construction includes at least 3 vertical columns, and the basket rests on the first structural member and the second structural member of each of the plurality of

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structural members," as recited in amended independent claim 25.

The Office Action states that the '793 document discloses "a plurality of support stubs (35 or the brackets at 35) with each support stub attached to one of a plurality of respective vertical steel columns (P) of a structure under construction" (see Office Action, p. 2, lns. 13-15).

It is respectfully submitted, however, that the crane device described in the '793 document utilizes only two uprights, not "at least three vertical columns," as recited in amended independent claims 1, 20, and 25.

Accordingly, Applicants respectfully submit that amended independent claims 1, 20, and 25, and the claims depending therefrom, are patentable over the cited document. Withdrawal of the rejection of claims 1-5, 8, 20, and 25 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 1-2, 7-8, 15, 19, and 20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,998,029 ("James et al."). Applicants respectfully traverse this rejection and submit that amended claims 1-2, 7-8, 15, 19, and 20 are patentable over James et al. for at least the reasons set forth below.

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Applicant respectfully submits that James et al. does not teach at least the following:

- "a plurality of structural members with each structural member attached to one of a plurality of respective vertical steel columns of a structure under construction, wherein the plurality of vertical steel columns of the structure under construction includes at least three vertical steel columns, each structural member has an uppermost surface, and the basket rests on the uppermost surface of at least one of the plurality of structural members," as recited in amended independent claim 1;
- "a plurality of first outriggers attached to the first basket and spaced apart from each other, each first outrigger having a foot, and a plurality of first structural members with each first structural member mounted to one of a plurality of respective vertical steel columns of a structure under construction, wherein each of the plurality of first structural members has an uppermost surface, and each first outrigger foot rests on the uppermost surface

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of a respective first structural member," as recited in amended independent claim 15;

- "a plurality of first structural members with each first structural member mounted to one of a plurality of respective vertical steel columns of a structure under construction, wherein each of the plurality of first structural members has an uppermost surface, and each foot rests on and is in compression with the uppermost surface of a respective first structural member," as recited in amended independent claim 19;
and
- "a lower basket operable to support a tower crane, and a plurality of lower structural members with each lower structural member mounted to one of a plurality of respective vertical steel columns of a structure under construction, the lower structural members supporting the lower basket to distribute the weight of the tower crane on the plurality of vertical columns of the structure, an upper basket slidably coupled to the tower crane, and a plurality of upper structural members with each upper structural member

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mounted to one of a plurality of respective vertical columns of the structure, the upper structural members supporting the upper basket, wherein the plurality of vertical steel columns of the structure under construction includes at least three vertical steel columns, each of the plurality of lower structural members and each of the plurality of upper structural members has an uppermost surface, the lower basket rests on the uppermost surface of at least one of the plurality of lower structural members, and the upper basket rests on the uppermost surface of at least one of the plurality of upper structural members," as recited in amended independent claim 20.

The Office Action states that James et al. shows "a basket (24) supporting a tower crane (16); and a plurality of support stubs (42) with each support stub attached to one of a plurality of respective vertical steel columns (12) of a structure under construction, wherein the basket rests on the support stubs" (see Office Action, p. 2, lns. 25-27).

As understood by Applicants, however, there is no teaching in James et al. that "each structural member has an uppermost surface, and the basket rests on the uppermost surface of at

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least one of the plurality of structural members," as recited in amended independent claim 1.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claims depending therefrom, are patentable over the cited reference. Amended independent claims 15, 19, and 20, and the claims depending therefrom, are believed to be patentable over the cited reference for at least similar reasons. Withdrawal of the rejection of claims 1-2, 7-8, 15, 19, and 20 under 35 U.S.C. § 102(b) is respectfully requested.

Additionally, Applicants have amended the claims by changing --stub-- to "member" to further define the scope of the present application, and believe these claims are allowable for at least the reasons enumerated herein.

Allowable Subject Matter

Applicants acknowledge the indication in the Office Action that claims 9-14 and 16-18 were objected to as depending from rejected claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims (see Office Action, p. 3, lns. 8-9). Amended independent claims 1 and 15, however, are believed to be patentable over the cited references for at least the reasons set forth above, and Applicants respectfully

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submit that amendment to the abovementioned claims is therefore not required.

This communication is believed to be fully responsive to the Office Action, and every effort has been made to place the present application in condition for allowance. The amended claims, in view of the foregoing remarks, are believed to be patentable over the prior art, and a favorable Office Action is hereby earnestly solicited.

If an additional telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is respectfully invited to contact the undersigned at the number provided below.

Respectfully submitted,

Date: August 11, 2005

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